

Notice of Allowability

Application No.

10/617,903

Examiner

Michelle K. Lay

Applicant(s)

SCHOWTKA ET AL.

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2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment After Final filed 21 November 2007.
2. ☒ The allowed claim(s) is/are 1,7,8,10-15,17 and 20-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jessica Costa (41,065) on 12/11/2007.

The application has been amended as follows:

Claim 17 (Currently Amended): One or more data storage having computer executable instructions for execution on a server system, A computer program stored on a the
server system operatively connected to at least one client system, the server system having a plurality of stored layouts, each layout including one or more image containers, each image container being one of a plurality of container sizes, and a plurality of stored image groups, each stored image group being associated with one or more selection criteria and containing at least a plurality of images that are cropped versions of a base image, each cropped version being sized to correspond to one of the plurality of container sizes, the programming comprising the computer executable instructions when executed on the server system performing the steps of:

computer code adapted to downloading to and execute executing in a client system and to display one or more selection criteria tools to a user of the client system, and

~~computer code adapted to execute on the server system, including computer code adapted to receive~~ receiving one or more selection criteria from the client system, and

~~computer code adapted to sending~~ to the client system one or more product designs; the one or more product designs being generated by selecting a layout, identifying an image group associated with ~~[[at]]~~ a received selection criteria, selecting an image from the identified image group having a size corresponding to the size of an image container in the selected layout, and playing the selected image in the image container layout.

Claim 34 (Currently Amended): One or more data storage having computer executable instructions for execution on a server system, ~~A computer program stored on a~~ the server system operatively connected to at least one client system, the server system having a plurality of stored layouts, each layout including one or more image containers, each image container being one of a plurality of container sizes, and a plurality of stored images, each stored image being associated with one or more selection criteria and having associated therewith a plurality of cropping instructions, each of the plurality of cropping instructions containing the information to create a cropped version of the associated stored image, each cropped version being sized to correspond to one of the plurality of container sizes, ~~the program comprising comprising~~ the computer executable instructions when executed on the server system performing the steps of:

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~~computer code adapted to downloading~~ to and ~~execute~~executing in a client system and to display one or more selection criteria tools to a user of the client system, and

~~computer code adapted to execute on the server system, including computer code adapted to receive~~ receiving one or more selection criteria from the client system, and

~~computer code adapted to sending~~ to the client system one or more product designs, the one or more product designs being generated by selecting a layout, identifying an image associated with a received selection criteria, using cropping instructions associated with the identified image to create a cropped version of the identified image having a size corresponding to the size of an image container in the selected layout, and placing the selected image in the image container of the layout.

The following is an examiner's statement of reasons for allowance: References Roses (2003/0055871 A1), Jogo (2001/0048447 A1), Garrett et al. (5,557,728) and Wang (6,028,603) are made of record as teaching a computer-implemented product design method/system where images can be selected via a search and can further be cropped and inserted into one or more layouts. However, none of the cited prior art teaches or suggests retaining a plurality of image groups, where each image group contains at least a plurality of images that are cropped versions of a base image, as claimed.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday-Friday 7:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee M. Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Michelle K. Lay
Patent Examiner


KEE M. TUNG
SUPERVISORY PATENT EXAMINER